

REMARKS

In the Office Action mailed August 4, 2009, the Office noted that claims 21-35 were pending and rejected claims 21-35. Claims 21, 25, 26 and 30-35 have been amended, no claims have been canceled, and, thus, in view of the foregoing, claims 21-35 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

DOUBLE PATENTING

Claims 21, 25-27 and 29-35 are provisionally rejected on grounds of nonstatutory obviousness-type double patenting as being unpatentable over co-pending Application No. 11/147,242.

Claims 22-24 and 28 are provisionally rejected on grounds of nonstatutory obviousness-type double patenting as being unpatentable over co-pending Application No. 11/147,242 in view of Kato, U.S. Patent Publication No. 2007/0286577.

A Terminal disclaimer has been filed in co-pending Application No. 11/147,242 as to the present Application. Therefore, the Applicants believe that no Terminal Disclaimer is required in the instant Application.

Withdrawal of the provisional rejection is respectfully requested.

REJECTIONS under 35 U.S.C. § 101

Claims 32-35 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Office asserts that the claims are directed to nonfunctional descriptive material.

The Applicants have amended the claims to recite "[a] computer-readable recording medium recording thereon a computer program." The Applicants submit that the claims as now written comply with MPEP § 2106.01(I). Support for the amendment may be found, for example, in ¶ 0053 of the printed publication version of the Specification. The Applicants submit that no new matter is believed to have been added by the amendment of the claims.

Withdrawal of the rejection is respectfully requested.

REJECTIONS under 35 U.S.C. § 102

Claims 21-35 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kato, U.S. Patent Publication No. 2007/0286577. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

The Applicants have amended claims 21, 25, 26, 30, 31 and 35 so as to clarify that the "menu information" is information for displaying a menu-screen which is to be superimposed on a display-screen of the content information during reproduction of the content information. Support for the amendment may be found, for example, on page 4, lines 23 and 24;

page 6, lines 18-20; and page 7, line 4 through page 8, line 1 of the Specification.

The Applicants have amended claims 21, 25, 26, 30, 31 and 35 so as to clarify that (i) the item information specifies the item by indicating both of a reproduction start time and a reproduction end time of the item and (ii) the slave item information specifies the slave item by indicating both of a reproduction start time and a reproduction end time of the slave item. Support for the amendment may be found, for example, on page 39, lines 11-20, page 76, line 26 through page 77, line 12; page 79, line 2 through page 80, line 19; and page 87, lines 10-15 of the Specification and Figures, 7, 13 and 27.

The Applicants have added the feature "the menu information includes information for displaying a button which is displayed in the menu-screen" into claims 21, 25, 26, 30, 31 and 35. Support for the amendment may be found, for example, on page 72, line 26 through page 73, line 6; and page 73, lines 13-25 of Specification.

The Applicants submit that no new matter is believed to have been added by the amendment of the claims.

The Applicants submit that Kato fails to disclose "the slave item information for specifying the menu information as a slave item by indicating both of a reproduction start time and a reproduction end time of the slave item," as in amended claims.

In the Office Action, it is asserted that "Kato discloses an information record medium [...] and slave item information for specifying said menu information as a slave item (see ¶¶ 0505; 0506; 0534 and 0535)". However, ¶¶ 0505; 0506; 0534; and 0535 of Kato merely discuss that a list of thumbnail is formulated or generated from the picture referenced by `ref_thumbnail_index`. This means that the thumbnail is specified by using the index number (i.e. `ref_thumbnail_index`) and is not specified by indicating both of the reproduction start time and the reproduction end time (the display start time and the display end time) of the thumbnail.

Further, Kato discloses that one playback domain in a preset Clip, which is termed `PlayItem`, is represented by a pair of an IN-point and an OUT point on the time axis (see ¶ 0205 of Kato).

However, this disclosure merely indicates that only AV stream, which is absolutely different from the thumbnail, is represented by a pair of an IN-point and an OUT point on the time axis. In addition, Kato does not disclose, suggest or teach that the thumbnail is represented in a same manner as the AV stream.

Therefore, Kato does not disclose the novel feature of claims 21 to 35 such as "the slave item information for specifying the menu information as a slave item by indicating both of a reproduction start time and a reproduction end time of the slave item."

Further, Kato does not disclose the novel feature of claims 21 to 35 such as the "menu information (i) which is for displaying a menu-screen which is to be superimposed on a display-screen of the content information and (ii) which includes information for displaying a button which is displayed in the menu-screen."

Kato merely discloses that (i) one of two sorts of the thumbnail is a representative picture indicating the contents and (ii) the other of them is a picture indicating a scene pointed by the mark (see ¶ 0224 of Kato).

For at least the reasons discussed above, claims 21, 25, 26, 30, 31 and 35 and the claims dependent therefrom are not anticipated by Kato.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 101 and 102. It is also submitted that claims 21-35 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/James J. Livingston, Jr./
James J. Livingston, Jr.
Reg. No. 55,394
209 Madison St, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

JJL/lrs